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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/773,883
	Filing Date	February 5, 2004
	First Named Inventor	Craig GERBI
	Art Unit	3731
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	18+43 References	Attorney Docket Number 514362001300

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages)  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):  Form PTO-1449 + COPY (14 pages) Forty Three (43) References Return receipt postcard
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) E. Thomas Wheelock - 28,825
Signature	
Date	July 21, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

July 22, 2004

  
Conchita Picazo Mejia





PATENT  
Docket No. 514362001300

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on July 22, 2004.

*Conchita P. Meja*  
Conchita P. Meja

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Craig GERBI et al.

Serial No.: 10/773,883

Filing Date: February 5, 2004

For: SINGLE-FOLD SYSTEM FOR TISSUE  
APPROXIMATION AND FIXATION

Examiner: Not Yet Assigned

Group Art Unit: 3731

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MailStop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.



Applicant would like to draw the attention of the Examiner to the following co-pending applications:

Application Serial No.: 10/417,790, filed April 16, 2003, by J. Gannoe, and

Application Serial No.: 10/686,326, filed October 14, 2003, by G. Weller.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

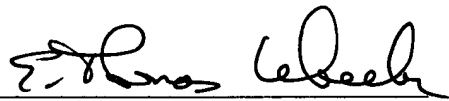


The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **514362001300**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 21, 2004

Respectfully submitted,

By:   
E. Thomas Wheelock  
Registration No. 28,825

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Form PTO-1449

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number 514362001300

Application Number 10/773,883

Applicant

Craig GERBI et al.

Filing Date February 5, 2004

Group Art Unit 3731

Mailing Date July 22, 2004

**U.S. PATENT DOCUMENTS**

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	09/22/2000	60/234,360	Schurr			
	2.	09/06/2001	2001/0020190	Taylor			
	3.	11/01/2001	2001/0037127	De Hoyos Garza			
	4.	02/21/2002	2002/0022851	Kaloo et al.			
	5.	04/04/2002	2002/0040226	Laufer et al.			
	6.	05/09/2002	2002/0055757	Torre et al.			
	7.	06/13/2002	2002/0072761	Abrams et al.			
	8.	06/27/2002	2002/0078967	Sixto, Jr. et al.			
	9.	06/27/2002	2002/0082621	Schurr et al.			
	10.	10/03/2002	2002/0143346	McGuckin, JR et al.			
	11.	11/07/2002	2002/0165589	Imran et al.			
	12.	12/05/2002	2002/0183768	Deem et al.			
	13.	12/19/2002	2002/0193816	Laufer et al.			
	14.	04/03/2003	2003/0065359	Weller et al.			
	15.	05/15/2003	2003/0093117	Saadat			
	16.	06/12/2003	2003/0109892	Deem et al.			
	17.	06/12/2003	2003/0109935	Geitz			
	18.	06/26/2003	2003/0120265	Deem et al.			
	19.	06/26/2003	2003/0120289	McGuckin, JR et al.			
	20.	08/21/2003	2003/0158563	McClellan et al.			
	21.	01/08/2004	2004/0006351	Gannoe et al.			
	22.	02/05/2004	2004/0024386	Deem et al.			
	23.	02/12/2004	2004/0030347	Gannoe et al.			
	24.	10/19/1976	3,986,493	Hendren, III			
	25.	01/09/1979	4,133,315	Berman et al.			
	26.	01/16/1979	4,134,405	Smit			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number 514362001300	Application Number 10/773,883
	Applicant  Craig GERBI et al.	
	Filing Date February 5, 2004	Group Art Unit 3731
	Mailing Date July 20, 2004	

	27.	01/27/1981	4,246,893	Berson			
	28.	02/16/1982	4,315,509	Smit			
	29.	08/10/1982	4,343,066	Lance			
	30.	11/22/1983	4,416,267	Garren et al.			
	31.	07/10/1984	4,458,681	Hopkins			
	32.	12/04/1984	4,485,805	Foster, Jr.			
	33.	10/15/1985	4,547,192	Brodsky et al.			
	34.	12/17/1985	4,558,699	Bashour			
	35.	07/08/1986	4,598,699	Garren et al.			
	36.	08/26/1986	4,607,618	Angelchik			
	37.	09/09/1986	4,610,383	Rothfuss et al.			
	38.	02/10/1987	4,641,653	Rockey			
	39.	03/10/1987	4,648,383	Angelchik			
	40.	09/22/1987	4,694,827	Weiner et al.			
	41.	01/05/1988	4,716,900	Ravo et al.			
	42.	02/09/1988	4,723,547	Kullas et al.			
	43.	04/26/1988	4,739,758	Lai et al.			
	44.	09/27/1988	4,773,393	Haber et al.			
	45.	12/13/1988	4,790,294	Allred, III et al.			
	46.	06/27/1989	4,841,888	Mills et al.			
	47.	02/13/1990	4,899,747	Garren et al.			
	48.	11/13/1990	4,969,474	Schwarz			
	49.	08/06/1991	5,037,021	Mills et al.			
	50.	10/22/1991	5,059,193	Kuslich			
	51.	01/14/1992	5,080,663	Mills et al.			
	52.	01/28/1992	5,084,061	Gau et al.			
	53.	05/12/1992	5,112,310	Grobe			
	54.	10/20/1992	5,156,609	Nakao et al.			
	55.	12/15/1992	5,171,233	Amplatz et al.			

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PTO/SB/ 08 (2-92) pa- 866532	Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE



<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number 514362001300	Application Number 10/773,883
	Applicant  Craig GERBI et al.	
	Filing Date February 5, 2004	Group Art Unit 3731
	Mailing Date July 22, 2004	

	56.	06/29/1993	5,222,961	Nakao et al.			
	57.	08/10/1993	5,234,454	Bangs			
	58.	10/05/1993	5,250,058	Miller et al.			
	59.	11/09/1993	5,259,399	Brown			
	60.	11/23/1993	5,263,629	Trumbull et al.			
	61.	07/12/1994	5,327,914	Shlain			
	62.	07/19/1994	5,330,486	Wilk			
	63.	07/19/1994	5,330,503	Yoon			
	64.	08/02/1994	5,334,210	Gianturco			
	65.	09/13/1994	5,345,949	Shlain			
	66.	10/18/1994	5,355,897	Pietrafitta et al.			
	67.	12/27/1994	5,376,095	Ortiz			
	68.	01/17/1995	5,382,231	Shlain			
	69.	04/04/1995	5,403,326	Harrison et al.			
	70.	08/01/1995	5,437,291	Pasricha et al.			
	71.	09/26/1995	5,452,837	Williamson, IV et al.			
	72.	06/18/1996	5,527,319	Green et al.			
	73.	08/27/1996	5,549,621	Bessler et al.			
	74.	09/03/1996	5,551,622	Yoon			
	75.	09/17/1996	5,555,898	Suzuki et al.			
	76.	11/05/1996	5,571,116	Bolanos et al.			
	77.	12/10/1996	5,582,616	Bolduc et al.			
	78.	12/17/1996	5,584,861	Swain et al.			
	79.	03/04/1997	5,607,094	Clark et al.			
	80.	04/29/1997	5,624,381	Kieturakis			
	81.	05/06/1997	5,626,588	Sauer et al.			
	82.	07/29/1997	5,651,769	Waxman et al.			
	83.	08/12/1997	5,655,698	Yoon			
	84.	10/14/1997	5,676,674	Bolanos et al.			

EXAMINER:	DATE CONSIDERED:
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<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number 514362001300	Application Number 10/773,883
	Applicant  Craig GERBI et al.	
	Filing Date February 5, 2004	Group Art Unit 3731
	Mailing Date July 22, 2004	

	85.	11/11/1997	5,685,868	Lundquist			
	86.	11/25/1997	5,690,656	Cope et al.			
	87.	12/16/1997	5,697,943	Sauer et al.			
	88.	03/03/1998	5,722,990	Sugarbaker et al.			
	89.	03/17/1998	5,728,178	Buffington et al.			
	90.	05/12/1998	5,749,893	Vidal et al.			
	91.	05/26/1998	5,755,730	Swain et al.			
	92.	07/21/1998	5,782,844	Yoon et al.			
	93.	08/04/1998	5,788,715	Watson, Jr. et al.			
	94.	08/11/1998	5,792,153	Swain et al.			
	95.	09/22/1998	5,810,851	Yoon			
	96.	09/22/1998	5,810,882	Bolduc et al.			
	97.	10/20/1998	5,824,008	Bolduc et al.			
	98.	10/27/1998	5,827,298	Hart et al.			
	99.	02/09/1999	5,868,141	Ellias			
	100.	03/09/1999	5,879,371	Gardiner et al.			
	101.	03/30/1999	5,887,594	LoCicero, III			
	102.	04/27/1999	5,897,534	Heim et al.			
	103.	04/27/1999	5,897,562	Bolanos et al.			
	104.	06/08/1999	5,910,105	Swain et al.			
	105.	07/27/1999	5,928,264	Sugarbaker et al.			
	106.	08/10/1999	5,935,107	Taylor et al.			
	107.	09/07/1999	5,947,983	Solar et al.			
	108.	10/12/1999	5,964,772	Bolduc et al.			
	109.	10/12/1999	5,964,782	Lafontaine et al.			
	110.	10/26/1999	5,972,001	Yoon			
	111.	11/02/1999	5,976,161	Kirsch et al.			
	112.	11/30/1999	5,993,473	Chan et al.			
	113.	02/29/2000	6,030,364	Durgin et al.			

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<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 514362001300	Application Number 10/773,883
	Applicant Craig GERBI et al.	
	Filing Date February 5, 2004	Group Art Unit 3731
	Mailing Date July 30, 2004	

	114.	03/28/2000	6,042,538	Puskas			
	115.	05/30/2000	6,067,991	Forsell			
	116.	07/11/2000	6,086,600	Kortenbach			
	117.	09/05/2000	6,113,609	Adams			
	118.	12/12/2000	6,159,146	El Gazayerli			
	119.	12/26/2000	6,165,183	Kuehn et al.			
	120.	01/30/2001	6,179,195	Adams et al.			
	121.	02/13/2001	6,186,985	Snow			
	122.	03/06/2001	6,197,022	Baker			
	123.	05/15/2001	6,231,561	Frazier et al.			
	124.	07/03/2001	6,254,642	Taylor			
	125.	10/16/2001	6,302,917	Dua et al.			
	126.	12/11/2001	6,328,689	Gonzalez et al.			
	127.	07/09/2002	6,416,535	Lazarus			
	128.	09/10/2002	6,447,533	Adams			
	129.	11/05/2002	6,475,136	Forsell			
	130.	12/10/2002	6,491,707	Makower et al.			
	131.	12/17/2002	6,494,888	Laufer et al.			
	132.	01/14/2003	6,506,196	Laufer			
	133.	05/06/2003	6,558,400	Deem et al.			
	134.	12/16/2003	6,663,598	Carrillo, Jr. et al.			
	135.	01/13/2004	6,675,809	Stack et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	136.	03/19/1986	EP 0 174 843	Europe				
	137.	11/25/1987	EP 0 246 999	Europe				
	138.	11/15/1988	JP 63-277063	Japan			Abstract	

EXAMINER:	DATE CONSIDERED:
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<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 514362001300	Application Number 10/773,883
	Applicant Craig GERBI et al.	
	Filing Date February 5, 2004	Group Art Unit 3731
	Mailing Date July 29, 2004	

	139.	11/16/1988	JP 63-279854	Japan			Abstract	
	140.	12/09/1988	JP 63-302863	Japan			Abstract	
	141.	02/27/1989	JP 01-049572	Japan			Abstract	
	142.	10/21/1992	JP 04-297219	Japan			Abstract	
	143.	04/15/1999	WO 99/17662	WIPO				
	144.	10/28/1999	WO 99/53827	WIPO				
	145.	06/08/2000	WO 00/32137	WIPO				
	146.	12/28/2000	WO 00/78227	WIPO				
	147.	12/28/2000	WO 00/78229	WIPO				
	148.	11/15/2001	WO 01/85034	WIPO				
	149.	03/28/2002	WO 02/24080	WIPO				
	150.	05/10/2002	WO 02/35980	WIPO				
	151.	05/23/2002	WO 02/39880	WIPO				
	152.	12/05/2002	WO 02/096327	WIPO				
	153.	01/30/2003	WO 03/007796	WIPO				
	154.	11/20/2003	WO 03/094785	WIPO				
	155.	12/04/2003	WO 03/099140	WIPO				
	156.	12/24/2003	WO 03/105563	WIPO				
	157.	12/24/2003	WO 03/105671	WIPO				
	158.	01/15/2004	WO 2004/004542	WIPO				
	159.	02/19/2004	WO 2004/014237	WIPO				
	160.	03/11/2004	WO 2004/019787	WIPO				

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(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	161.	Benjamin, S. B. et al. (1987). "A Double-Blind Cross Over Study of the Garren-Edwards Anti-Obesity Bubble," <i>Gastrointestinal Endoscopy</i> 33(2):168, Abstract no. 105.
	162.	Benjamin, S. B. (1987). "Small Bowel Obstruction and the Garren-Edwards Bubble: Lessons to be Learned?" <i>Gastrointestinal Endoscopy</i> 33(2):183, Abstract no. 161.

EXAMINER:	DATE CONSIDERED:
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Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 514362001300

Application Number 10/773,883

Applicant

Craig GERBI et al.

Filing Date February 5, 2004

Group Art Unit 3731

Mailing Date July 27, 2004

- |      |  |
|------|--|
| 163. | Boyle, T. M. et al. (1987). "Small Intestinal Obstruction Secondary to Obturation by a Garren Gastric Bubble," <i>The American Journal of Gastroenterology</i> 82(1): 51-53.                               |
| 164. | Cass, O. W. and Onstad, G.R. (1987). "Long-Term Follow-Up of Patients with Percutaneous Endoscopic Gastrostomy," <i>Gastrointestinal Endoscopy</i> 33(2):183, Abstract no. 162.                            |
| 165. | Clark, C. (1986). "The Gastric Bubble: Medicine, Magic or Mania?" <i>SGA Journal</i> 21(2):45-47.  |
| 166. | Cummings, D.E. et al. (2002). "Plasma Ghrelin Levels After Diet-Induced Weight Loss or Gastric Bypass Surgery," <i>N. Engl. J. Med.</i> 346(21):1623-1630.   |
| 167. | Davenport, H.W. (1971). <u>Physiology of the Digestive Tract</u> , Third Edition, Year Book Medical Publishers, Inc.: Chicago, IL, pp. 9-10 (Table of Contents Only.)                                      |
| 168. | DeMeester, T.R. (2002). "Evolving Concepts of Reflux: The Ups and Downs of the LES," <i>Can. J. Gastroenterol</i> 16(5):327-331.   |
| 169. | DeWaele, B. et al. (2000). "Intragastric Balloons for Preoperative Weight Reduction," <i>Obesity Surgery</i> 10:58-60.   |
| 170. | Edell, S. L. et al. (1985). "Radiographic Evaluation of the Garren Gastric Bubble," <i>AJR</i> 145:49-50.  |
| 171. | Grey, H. <u>Anatomy of the Human Body</u> Thirtieth Edition, Clemente, C.D. ed., Williams & Wilkins, pp1466-1467.  |
| 172. | Kirby, D. F. et al. (1987). "Incomplete Small Bowel Obstruction by the Garren-Edwards Gastric Bubble Necessitating Surgical Intervention," <i>The American Journal of Gastroenterology</i> 82(3): 251-253. |
| 173. | Nieben, O. G. and Harboe, H. (1982). "Intragastric Ballon As An Artificial Bezoar for Treatment of Obesity," <i>The Lancet</i> pp. 198-199.  |
| 174. | Percival, W. L. (1984). "The Balloon Diet: a Noninvasive Treatment for Morbid Obesity. Preliminary Report of 108 Patients," <i>The Canadian Journal of Surgery</i> 27(2):135-136.                          |
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